



16710

8 November 2004

Mr. Richard Griffith  
Vice President, Marine Operations  
TOTEM OCEAN TRAILER EXPRESS, INC.  
500 Alexander Avenue  
Tacoma, WA 98421

Subj: GREAT LAND, WESTWARD VENTURE and NORTHERN LIGHTS  
RO/RO, Container vessels  
Reconsideration of Major Conversion Determination

Ref: (a) Garvey, Schubert & Barer letter of 1 February to MSC  
(b) Package from Steve Tornello, Sea Star Line, LLC of 19 October to MSC

Dear Mr. Griffith:

We received the drawing copies provided by Sea Star Line, LLC of Jacksonville, FL., for two vessels (EL YUNQUE & EL MORRO), sisters to the GREAT LAND, WESTWARD VENTURE and NORTHERN LIGHTS. After having reviewed these drawings, which illustrate the modifications made to the EL YUNQUE & EL MORRO in 1990, and verifying the drawings against correspondence stored at the Federal Record Center, I am overturning the original determination of 20 February 2002 made by this office.

Accordingly, your proposal to modify the subject vessels to accommodate a greater proportion of containers is not here treated as a major conversion. Plans for modifications of the subject vessels should be submitted to MSC for approval. In view of the changes proposed, a stability evaluation of the modified vessels should be conducted.

Sincerely,

[REDACTED]  
R. A. Nash  
Captain, U. S. Coast Guard  
Commanding Officer  
Marine Safety Center

Copy: G-MOC  
MSO Seattle (Puget Sound)



# TOTEM OCEAN TRAILER EXPRESS, INC.

P.O. Box 4129  
Federal Way, WA 98063-4129

Tel [REDACTED]  
Fax [REDACTED]

August 4, 2004

Captain R.A. Nash  
Commanding Officer  
Marine Safety Center  
United States Coast Guard  
400 Seventh Street SW  
Washington, DC 20590

403945 AUG 9'04

Subject: Modifications to Totem Ocean Trailer Express (TOTE) Vessels

- Enclosures: (1) Sun Hull 670 (as built) General Arrangement 670-700-101  
Alt. 2 S/S Puerto Rio  
(2) Sun Hull 670 (as modified) General Arrangement 1252-700-101  
Rev A1. S/S Northern Lights  
(3) Garvey, Schubert & Barer (GSB) letter dated February 1, 2002  
Requesting Major Conversion Determination  
(4) Photo of S/S Lurline after modification (new forebody)

Thank you for your letter dated June 3, 2004 which again fails to acknowledge that our intended conversion to the Great Land, Westward Venture or Northern Lights is not a major one. However, I think we are getting closer to what defines the carrying capacity of a vessel regardless of its intended cargoes.

During a phone conversation with your Mr. Hagerty in early June, he requested we submit the FEU figures pertaining to previous conversions of this class vessel that were not considered major conversions by the USCG.

Four conversions were performed by Matson Navigation Co. and unfortunately, because of their office moves, cannot locate the documentation requested. However, we do have the FEU comparisons before and after the conversions and they are as follows:

Conv. Date	Sun Ship Hull No	Vessel Name	Maximum Delivered FEU	Maximum Converted FEU	Remarks
Mid 80's	662	S/S Lunline	310 ro/ro only	946 ro/ro - lo/lo	New forebody added
Mid 80's	664	S/S Matsonia	310 ro/ro only	946 ro/ro - lo/lo	New forebody added
Early 90's	666	S/S El Taino (El Morro)	410 ro/ro only	735 ro/ro - lo/lo	Remove spar deck, added beams & ballast
Early 90's	674	S/S Atlantic Spirit (El Yunque)	410 ro/ro only	735 ro/ro - lo/lo	Remove spar deck, added beams & ballast

The Matson people assure me that the above conversions were not considered major ones. Please feel free to call Mr. Peter Fisher with Matson for further details at [REDACTED].

I believe these are the figures Mr. Hagerty requested. It should also be noted that hulls 662 and 664 were sister ships to Hull 670 (enclosure #1) prior to the conversion and currently are arranged as seen in Enclosure #4.

In TOTE's case, the S/S Puerto Rico (Sun Hull 670) was purchased and converted by us in the early 1990's by adding a 90' - 6" midbody, spar deck and 1800 tons of fixed ballast. The FEU count was increased from 310 to 410. This calculates out to a 32% increase in capacity. This conversion, again, was not considered a major one.

Please compare the two General Arrangement enclosures provided:

Enclosure #1: DWG 670-700-101 Alt 2 SPC S/S Puerto Rico (as built)

Enclosure #2: DWG 1252-700-101 Rev A1 SPC S/S Northern Lights (as modified)

So, it appears that the increase in capacity, as we have suggested, has not determined what is a major or minor conversion for this class and type of vessel.

We requested that you ignore the original application sent by our representatives Garvey, Schubert and Barer (our attorneys, not our operators or engineers) dated February 1, 2002, Enclosure #3. However, the descriptions listed in "Request for Ruling" on pages 5 and 6 are quite valid and germane to our case.

If need be, we can submit a plan to carry only one high containers on the main deck. In that case the FEU difference between the current vessel and the modified one would be 410 and 400 respectively or a decrease in capacity of 2.0 percent. And yes, the one high containers loaded to the main deck would contain high density cargos.

Those of us at TOTE, Matson, J J Henry & Herbert Engineering, who are familiar with this class vessel and the modifications made to them over the years, cannot understand your reasoning or logic in not honoring, in light of the information we have supplied, such an extensive precedent for this class of vessel, in making your determination that this conversion is considered a major one.

As a side note, we have been informed that if this modification is considered a major one, the cost would be \$7 to \$9 million on top of conversion costs. If this is true, and we believe it is, the project may not get funded and that would be injurious to our company and the maritime community in general.

We again ask that you consider this additional clarifying information, along with our previous submissions, and determine that the proposed modifications do not constitute a major conversion of this type vessel. We would be pleased to meet with you if that would assist with your review.

Very truly yours,

  
Richard W. Griffith  
Senior Vice President Operations  
American Shipping Group





16710

5/27/04 WJH

Mr. Richard Griffith  
Vice President, Marine Operations  
TOTEM OCEAN TRAILER EXPRESS, INC.  
500 Alexander Avenue  
Tacoma, WA 98421

Subj: GREAT LAND, WESTWARD VENTURE, NORTHERN LIGHTS  
RO/RO, Container vessels  
Appeal: Major Conversion Determination

Ref: (a) Garvey, Schubert & Barer letter of February to MSC

Dear Mr. Griffith:

In my letter of 4 March 2004, I indicated that your proposal has not shown or presented the extent of cargo carriage that may be removed or converted in support of revisiting a major conversion determination. This engineering analysis is required to determine the extent of the cargo carriage conversion, particularly in light of your request that we "just disregard" reference (a), the Garvey, Schubert, & Barer letter of 1 February 2002, which your representatives submitted and formed the basis of our decision of 20 February 2002. That analysis indicated that FEU had significantly increased. While I understand the arguments you make about the vessel's load line limiting cargo carriage, it does not argue for the extent of conversion that may be involved to reconfigure a vessel to support new cargo/capacity arrangement, in this case in terms of TEU/FEU.

This office does not have information to support your claim that the vessels you identified had the same modifications, and were not declared a major conversion. If you have copies of these previous determinations, and their associated drawings and letters, please submit them. Again, if your analysis and drawings can show a significant decrease in RO/RO capacity that offsets the increase in container capacity, it will help in understanding the extent of the proposed cargo capacity conversion. Again, I have only the analysis provided in your previous submission, reference (a), to go on, and need compelling information to overturn a previous decision.

Sincerely,

[REDACTED]  
R. A. Nash  
Captain, U. S. Coast Guard  
Commanding Officer  
Marine Safety Center

Copy: G-MOC  
MSO Seattle

2004 MAR 30 PM 12:53

401766 MAR 31 '04



## TOTEM OCEAN TRAILER EXPRESS, INC.

MARINE OPERATIONS DIVISION

500 Alexander Avenue  
Tacoma, WA 98421

Tel [REDACTED]  
Fax [REDACTED]

March 22, 2004

Captain R. A. Nash  
Commanding Officer  
Marine Safety Center  
United States Coast Guard  
400 7<sup>th</sup> Street S.W.  
Washington, D.C. 20590-0001

Subject: Conversion of the Great Land, Westward Venture or Northern Lights to  
RO-RO/Container vessels.

Dear Captain Nash,

I found our phone conversation on Tuesday morning, March 9, 2004, interesting in view of the information we had earlier submitted regarding the major/minor conversion issue and believe it was constructive.

We are enclosing the Matson Navigation drawing that you requested. Our intended modification is a duplication of this drawing with minor changes due to container sizes.

The following is a list of each of the Sun Ships built Ponce class vessels with remarks on the conversions that have taken place that were not considered major conversions.

<u>Sun Ship Hull Number</u>	<u>Ship Name</u>	<u>Remarks</u>
647	SS Ponce de Leon	Delivered 730' LOA, Ro/Ro only. 90'-6" Midbody and Spar deck added in mid 1980s. 40% increase in TEU/FEU. Renamed the Ponce. Vessel scraped.
	SS Eric K. Holzer	MSC Ready Reserve Fleet
	SS Lurline	Delivered 730' LOA, Ro/Ro only. Modified in 1980s with new forebody to become combination Ro/Ro - Lo/Lo.
	SS Fortelaza	Delivered 730' LOA, Ro/Ro only. Vessel scraped.
	SS Matsonia	Delivered 730' LOA, Ro/Ro only. Modified in 1980s with new forebody to become combination Ro/Ro - Lo/Lo.
	SS El Taino	Delivered 730' LOA, Ro/Ro only. 90'-6" Midbody and Spar deck added in 1980s. 40% increase in TEU/FEU.

<u>Sun Ship Hull Number</u>	<u>Ship Name</u>	<u>Remarks</u>
666 (cont.)	SS El Taino	Vessel purchased by Matson. Spar deck removed and Main deck converted to containers only. Vessel became combination Ro/Ro – Lo/Lo and was renamed SS Kainalu.
	SS Puerto Rico	Delivered 730' LOA, Ro/Ro only. 90'-6" Midbody and Spar deck added in late 1980s. Renamed the SS Northern Lights. 40% increase in TEU/FEU.
	SS Great Land	Delivered 790'-6" LOA, Ro/Ro only. Still in service.
	SS Gulf Bear	Delivered 790'-6" LOA, Ro/Ro only. Vessel purchased by Matson. Spar deck removed and Main deck converted to container only. Vessel became combination Ro/Ro – Lo/Lo and renamed SS Kaimoku.
	SS Westward Venture	Delivered 790'-6" LOA, Ro/Ro only. Still in service.

As you can see the conversions of hulls 647, 662, 664, 666, 670, 674 have all been converted and the conversions have not been considered major ones.

In our proposal, the Great Land (673), Westward Venture (675), and Northern Lights (670) would be converted exactly like Hulls 666 and 674.

As you can see, the precedent has been set with this class vessel.

Our intention is not to perform any Service Life Extension Programs during the proposed modification. We're simply removing the Spar deck with its associated outfitting items, adding transverse beams to support the containers, and adding fixed ballast in the doublebottoms for stability. We feel any relationship between the vessel carrying additional containers because it has become a combination Ro/Ro – Lo/Lo vessel versus its original Ro/Ro only configuration is not relevant. As I explained, the number of containers or Ro/Ro cargo on the vessel has nothing to do with loading the vessel to its marks and proving the stress and bending moment numbers are below the maximum allowed prior to sailing.

A vessel's cargo carrying capacity is defined by its loadline and stability characteristics, not by an FEU or TEU number count. Further, I know of no international or U.S. safety or environmental protection requirements that are based on TEU/FEU count.

To prove this fact, let's load all the containers with ping pong balls. The container cubes out before it weighs out. How many containers can I load on the vessel? As many as I can until the vessel is down to the marks and the stability and stress characteristics are met.

Now, load the containers with cannon balls. The container weighs out before it cubes out. Therefore, where you may get 800 containers under the ping pong ball scenario you may get only 400 under the cannon ball one.

This is why the FEU or TEU numbers have no merit when considering capacities. Only the loadline is the measure of capacity.



In view of all of the above, we again ask for a reconsideration of Captain Peek's findings of February 20, 2002.

We would be pleased to meet with you if that would assist with your review.

Very truly yours,

A large black rectangular redaction box covers the signature area. To the left of the box is a handwritten checkmark, and to the right are two handwritten checkmarks.

Richard Griffith  
Senior Vice President  
American Shipping Group, Inc.



16710  
4 March 2004

Mr. Richard Griffith  
Vice President, Marine Operations  
TOTEM OCEAN TRAILER EXPRESS, INC.  
500 Alexander Avenue  
Tacoma, WA 98421

Subj: GREAT LAND, WESTWARD VENTURE, NORTHERN LIGHTS  
RO/RO, Container vessels  
Major Conversion Determination

Dear Mr. Griffith:

As requested in your letter dated October 15, 2003, I have reviewed the Marine Safety Center's decision regarding the major conversion determinations of GREAT LAND, WESTWARD VENTURE and NORTHERN LIGHTS, made on February 20, 2002. I have also reviewed your letter of October 15, 2003, and your attorney's submission on February 1, 2002. The latter submittal indicates that the proposed reconfiguration of the vessel will increase cargo carriage from 372 FEU presently, to 564 FEU after proposed modifications. What has not been sufficiently presented is the extent of cargo carriage that may be removed or converted. The proposed modifications you have described for GREAT LAND, WESTWARD VENTURE, and NORTHERN LIGHTS, represent FEU changes (i.e., cargo carrying capacity) that are significant and substantial.

Your most recent letter to Marine Safety Center indicates that the proposed modification will result in the "tonnage capable of being carried" actually decreasing by 849 long tons. If you have more compelling information to demonstrate that the proposed cargo carriage is not substantially changed (increased) as a result of this proposed work, please submit that information and I will consider it. However, given the information you have submitted, I do not have sufficient cause to overturn Captain Peek's finding of February 20, 2002.

Sincerely,

A large black rectangular redaction box covering the signature of the Commanding Officer.

R. A. Nash  
Captain, U. S. Coast Guard  
Commanding Officer  
Marine Safety Center

Copy: G-MOC  
MSO Seattle





## TOTEM OCEAN TRAILER EXPRESS, INC.

MARINE OPERATIONS DIVISION

500 Alexander Avenue  
Tacoma, WA 98421

Tel [REDACTED]  
Fax [REDACTED]

October 15, 2003

Capt. R. A. Nash  
Commanding Officer  
Marine Safety Center  
United States Coast Guard  
400 Seventh St. SW  
Washington, DC 20590

305278 OCT 20'03

**Subject:** Modifications to Totem Ocean Trailer Express (TOTE) Vessels

**Reference:** (a) Garvey, Schubert & Barer (GSB) letter of February 1, 2002 to MSC  
(b) Capt. Peek's letter of February 20, 2002 to GSB  
(c) Matson Navigation letter of October 5, 1989 to MSC  
(d) Capt. Tweedie's letter of November 13, 1989 to Matson

Reference (a) described in detail a proposed modification of three TOTE vessels (GREAT LAND, WESTWARD VENTURE and NORTHERN LIGHTS) and requested a determination that these modifications did not constitute a major conversion. Reference (b) stated it was the determination of the Marine Safety Center that the modifications were a major conversion. The purpose of this letter is to provide additional clarifying information and request reconsideration of your previous determination. Copies of references (a) and (b) are enclosed for your convenience.

Our initial submission described the proposed modifications as being based directly on modifications to two sister vessels, the EL MORRO and the EL YUNQUE (previously named the KAIMOKU and the KAINALU). Reference (b) did not address this issue. To further document this precedent, we note that reference (c) specifically described the proposed changes to KAIMOKU and asked for a determination that the changes did not constitute a major conversion. The Matson letter further asked if plan review could be accomplished using procedures previously agreed to by the Coast Guard and the American Bureau of Shipping. The MSC response, reference (d), did not question the Matson contention that the changes did not constitute a major conversion and noted that the ABS/USCG plan review agreement did not apply to other than new construction and major conversions. Accordingly, plans and specifications for the KAIMOKU were submitted as directed in reference (d), and the modification was accomplished as a non-major conversion. Copies of references (c) and (d) are also enclosed for your convenience.


Reference (b) bases your determination that the proposed modification constitutes a major conversion on an increase in carrying capacity as measured by the number of FEU's that can be carried. We believe a more appropriate determination of carrying capacity is tonnage capable of being carried. Enclosure (5) is a calculation that shows that this tonnage is in fact decreased by about 849 long tons. This may explain the Coast Guard's approval of the previously cited modifications to sister ships as not being major conversions.

In summary, the proposed modifications to the TOTE vessels:

- (1) are basically the same as previous modifications to sister vessels that were not considered major conversions by the Coast Guard
- (2) are to be carried out under the same laws applicable to the vessels noted in (1) above
- (3) do not increase the carrying capacity, in tons, of the vessels
- (4) do not extend the life of the vessels
- (5) do not change the type of vessels
- (6) will not change hull, superstructure, power plant, auxiliary plant or principal dimensions of the vessels
- (7) do not change the watertight integrity of the vessels

We ask that you consider this additional clarifying information, along with our previous submission, and determine that the proposed modifications do not constitute a major conversion of the vessels. We would be pleased to meet with you if that would assist with your review.

Very truly yours,  
TOTEM OCEAN TRAILER EXPRESS, INC.

  
Richard Griffith  
Vice President, Marine Operations.

Enclosures: (1) Reference (a)  
(2) Reference (b)  
(3) Reference (c)  
(4) Reference (d)  
(5) Tonnage capacity calculations





16710/P008074  
Serial: H2-0200414  
February 20, 2002

Mr. Stephen B. Johnson  
Garvey, Schubert, & Barer  
18<sup>th</sup> Floor, Second & Seneca Bldg  
1191 2<sup>nd</sup> Ave.  
Seattle, WA 98101-2939

Subj: GREAT LAND; O.N.567835  
Sun Ship Hull 673  
744.2' x 92.8' x 34.9' Ro/Ro Container Vessel (I/SOLAS);  
WESTWARD VENTURE; O.N.581673  
Sun Ship Hull 675  
744.2' x 92.8' x 34.9' Ro/Ro Container Vessel (I/SOLAS);  
NORTHERN LIGHTS; O.N.561732  
Sun Ship Hull 670  
736.8' x 92' x 42' Ro/Ro Container Vessel (I/SOLAS);  
Major Conversion Determination

Dear Mr. Johnson:

This is in response to your letter of February 1, 2002, which detailed the proposed modifications to the Ro/Ro container vessels GREAT LAND, WESTWARD VENTURE, and NORTHERN LIGHTS. We have determined that these modifications constitute a major conversion as defined by Title 46, United States Code §2101(14a).

In reaching this conclusion, we evaluated the proposed modifications to determine if they met any one or more of the four criteria contained in 46 USC 2101(14a). These criteria are that the proposed modifications: (a) substantially change the dimensions or carrying capacity of the vessel; (b) change the type of the vessel; (c) substantially prolong the life of the vessel; or (d) otherwise so change the vessel that it is essentially a new vessel.

Your letter of February 1, 2002 states that the owner wishes to modify the subject vessel by removing the Spar ro/ro deck and strengthening the structure of the Main deck so that it can be used as a Lift-on/Lift-off (lo/lo) cargo space. This modification will increase the subject vessel's carrying capacity by 192 F.E.U. (an overall increase in carrying capacity of 51%). These modifications substantially change the carrying capacity of the vessel, thereby meeting criteria (a) as cited above. Therefore, the proposed modifications constitute a major conversion of the vessel.

When an alteration constitutes a major conversion, it is appropriate to bring the entire vessel into compliance with the latest safety standards where it is both reasonable and practicable to do so. The OCMI should be consulted for a determination on which areas of the vessel must be brought into compliance.



16710/P008074  
Serial: H2-0200414  
February 20, 2002

Subj: GREAT LAND, O.N.567835; WESTWARD VENTURE, O.N.581673; NORTHERN  
LIGHTS, O.N.561732: Major Conversion Determination

Should there be any questions concerning this major conversion determination, please feel free to  
contact LT [REDACTED] at the above number.

Sincerely,

[REDACTED]

A. L. PEEK  
Captain, U. S. Coast Guard  
Commanding Officer

Copy: G-MOC

LAW OFFICES  
**GARVEY, SCHUBERT & BARER**  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

**PORTLAND**  
ELEVENTH FLOOR  
121 S.W. MORRISON STREET  
PORTLAND, OREGON 97204-314

EIGHTEENTH FLOOR  
SECOND & SENECA BUILDING  
1191 SECOND AVENUE  
SEATTLE, WASHINGTON 98101-2939

**WASHINGTON, D.C.**  
FIFTH FLOOR  
1000 POTOMAC STREET, N.W.  
WASHINGTON, D.C. 20007-3501

**NEW YORK**  
EIGHTH FLOOR  
3080 INTERNATIONAL ARTS BUILDING  
599 BROADWAY  
NEW YORK, NEW YORK 10012-3238

FAX: [REDACTED]

STEPHEN B. JOHNSON  
SEATTLE OFFICE  
VOICE MAIL EXTENSION [REDACTED]  
E-MAIL: [REDACTED]  
DIRECT: [REDACTED]

February 1, 2002

**VIA FEDERAL EXPRESS**

200928 FEI 'A  
P008074  
C

Lt. [REDACTED]  
Major Conversions Project Officer  
Marine Safety Center  
United States Coast Guard  
400 Seventh St. SW  
Washington, DC 20590

**Re: Request for Major Conversion Determination**

Dear Lt. [REDACTED]

We are attorneys for Totem Ocean Trailer Express, Inc. ("TOTE") and are writing to you in that capacity.

TOTE owns and operates three roll-on/roll-off (Ro/Ro) trailer ships: GREAT LAND, Official No. 567835, WESTWARD VENTURE, Official No. 581673, and NORTHERN LIGHTS, Official No. 561732 (each a "Vessel" and, collectively, the "Vessels"). TOTE presently operates the Vessels in the Jones Act Alaska trade, transporting cargo between Tacoma, Washington and Anchorage, Alaska. The Vessels are sister ships, built in Philadelphia, Pennsylvania by Sun Shipbuilding & Drydock Co. in the mid-1970s. The GREAT LAND was built to plans for a shorter vessel but lengthened to its current size before leaving the Sun shipyard in 1975. The WESTWARD VENTURE was built in 1977 to the same dimensions as the lengthened GREAT LAND. The NORTHERN LIGHTS was originally built to the shorter vessel plan but was lengthened to the same size as the other Vessels at Atlantic Marine in Mobile, Alabama in 1993. The Vessels are of steel construction and are currently configured as Ro/Ro vessels to carry wheeled vehicles and highway trailers.

TOTE proposes to modify the GREAT LAND and one or both of the other two Vessels to replace the current Main Deck and Spar Deck Ro/Ro spaces with lift-on/lift-off (Lo/Lo) container capacity. Before proceeding with the work on the first of the Vessels to be modified,

the GREAT LAND, TOTE requests your determination that the proposed modification of these Vessels will not constitute a "major conversion" that would require the modified Vessels and TOTE as their operator to meet the requirements and standards applicable to newly constructed vessels.

#### **DESCRIPTION OF THE PROPOSED WORK:**

Enclosed with this letter are plans showing the present arrangement of the GREAT LAND and specifications and plans describing the proposed work. The proposed modifications will be based directly on modifications made to another sister vessel, currently named the EL MORRO, Official No. 557149. Another sister vessel, the EL YUNQUE, Official No. 573223, was also modified in the same manner. These two vessels are currently in service in the Puerto Rico trade for Sea Star Lines. As you will see from the enclosed drawings, TOTE intends to use some of the plans prepared for the prior work on these vessels for the proposed work on the GREAT LAND.

The WESTWARD VENTURE and the NORTHERN LIGHTS are substantially identical in design, construction, outfit and machinery to the GREAT LAND. Accordingly, the plans, specifications and drawings enclosed with this letter are equally applicable to all of the Vessels.

The proposed modifications will not include any work on the hull or superstructure of the Vessels and will not change any of the Vessels' principal dimensions, power plant or auxiliary plants. The principal dimensions of the Vessels before and after the proposed work will be as follows:

Length Overall:	790'-1"
Length between Perpendiculars:	733'-1"
Breadth, Molded:	92'-1"
Breadth, Main Deck:	105'-1"
Depth to Main Deck, Amidships:	60'- 5/8"

The main work in each case will involve removing the Spar Deck with its associated structure and installing a Lo/Lo container support structure on the Main Deck. A total of 344 long tons ("LT") is estimated for the steel weight of the Spar Deck, which will be removed, and the structure below the Main Deck, which will be removed and then reinstalled in modified form. The estimated steel weight of additions to the vessel during the work is 394 LT. All longitudinal girders added are fabricated "T" beams arranged to transfer loads from the additional containers and container support structure into the existing deck and transverse deck beams. Heavy wide flange beams will be fitted transversely across the two vehicle ramp openings to support the above deck longitudinal girders. The ramps up to the Main Deck will be left in place but will no longer be useable. The shipyard will install underdeck structural modifications to the Main Deck, consisting of stanchions, rider plates and beams.



The switchboards and primary electrical distribution systems will be only minimally modified. Certain power cables will be terminated and some new power cables will need to be added to serve the new Lo/Lo cargo configuration, including the reefer containers that will now be stacked on the Main Deck. Power outlets for refrigerated containers will be mounted on the new Main Deck container support structures.

As shown on the following table for the GREAT LAND, the proposed work will change the container capacity on the Main Deck and Spar Deck of the Vessels, but lower decks will not be changed:

	Currently	As Modified	Change
<b>Spar Deck</b>		None	
<b>Main Deck</b>		<b>352 F.E.U. Containers</b>	+ 232 F.E.U.
<b>Second Deck</b>		<b>93 F.E.U. Trailers</b>	None
<b>Third Deck</b>		66 F.E.U. Trailers	None
<b>Tank Top Deck</b>		53 F.E.U. Trailers	None
<b>Total</b>		564 F.E.U.	+ 192 F.E.U.

The nominal container carrying capacity of the Main Deck after modification will be 705 forty-foot equivalent units ("F.E.U."). However, deck strength after modification will not permit the loading of container racks on the Main Deck to anything approaching full capacity with loaded containers. Approximately half of the Main Deck Lo/Lo capacity will be used to transport empty containers or left unused. TOTE currently estimates that the proposed project will permit the modified Vessels to carry up to 564 F.E.U. loaded trailers and containers, including approximately 352 loaded F.E.U. containers on the Main Deck. Thus, the Vessels' cargo carrying capacity will increase from 372 F.E.U. to approximately 564 F.E.U.

The lightship weights of the Vessels before and after modification vary slightly between the Vessels because of some differences in plating thickness and differences in the weight of permanent ballast presently installed in each Vessel. Permanent additional ballast material will be installed in double bottom tanks to bring the total permanent ballast installed in each Vessel to 4113 L.T. The proposed modifications are estimated to change the lightship weights of the Vessels as follows:

GREAT LAND lightship weight (before modifications):	15,624 LT
Subtracted steel weight (shipyard est.):	-344 LT
Added steel weight (shipyard est.):	+394 LT
<u>Fixed ballast installation:</u>	<u>+2,913 LT</u>
GREAT LAND modified lightship weight	18,587 LT

WESTWARD VENTURE lightship weight (before modifications):	16,016 LT
Subtracted steel weight (shipyard est.):	-344 LT
Added steel weight (shipyard est.):	+394 LT
<u>Fixed ballast installation:</u>	<u>+2,313 LT</u>
WESTWARD VENTURE modified lightship weight	18,379 LT
NORTHERN LIGHTS lightship weight (before modifications):	15,743 LT
Subtracted steel weight (shipyard est.):	-344 LT
Added steel weight (shipyard est.):	+394 LT
<u>Fixed ballast installation:</u>	<u>+2,283 LT</u>
NORTHERN LIGHTS modified lightship weight	18,076 LT

Steelweights for the Vessels before and after modification are estimated as follows:

	<u>Before Modification</u>	<u>As Modified</u>
GREAT LAND:	11,545 LT	11,595 LT
WESTWARD VENTURE:	11,863 LT	11,913 LT
NORTHERN LIGHTS:	11,642 LT	11,692 LT

These estimates are derived from the lightship weights for each of the Vessels provided by Sun Shipbuilding & Drydock Co. in the Vessel's trim and stability booklet, reduced by the estimated weight of machinery and outfit. As there is no other data available, the estimated weight of machinery and outfit is derived from data for comparable vessels set out in the reference work, *Ship Design and Construction*, published in 1969. Based on these data, TOTE estimates that the ratio of machinery weight to shaft horse power is approximately 0.037, resulting in an estimated machinery weight for each of the Vessels of 1,110 LT, and that outfit constitutes approximately 19.0% of the Vessels' lightship weight, resulting in an estimated outfit weight of 2,969 LT for the GREAT LAND, 3,043 LT for the WESTWARD VENTURE and 2,991 LT for the NORTHERN LIGHTS. Deducting the estimated weight of machinery and outfit from lightship weight produces the estimated Vessel steel weights shown above. Based on this estimate of the Vessels' steel weights, the estimated net change in steel weight resulting from the proposed modifications is +50 LT or +0.43% (GREAT LAND), +.42% (WESTWARD VENTURE) and +.43 (NORTHERN LIGHTS).

Copies of the following documents and plans related to the proposed project are enclosed for your review:

1. TOTE Modification Specification for SS GREAT LAND;
2. General Arrangement Plan of Existing Vessel (673-700-101-3);
3. General Arrangement Plan of Modified Vessel (673-700-101-2);
4. Main Deck Container Support Structure (ROK-S12-930);
5. Capacity Plan (ROK-S1-967);
6. Spar Deck Removal (ROK-S11-936).



### REQUEST FOR RULING:

Based on the foregoing description of the proposed work and the specifications and plans enclosed, we request that you issue a ruling confirming that the proposed work will not constitute a "major modification" or "major conversion" within the meaning of 46 U.S.C. §2101(14a), any of the other statutes or regulations administered by the Coast Guard or MARPOL 1973/1978; that, after completion of the proposed work, the Vessels so modified and their operators will continue to be subject to the standards and requirements presently applicable to the Vessels, based on their date of original construction or the date of any prior major conversion; and that none of the Vessels so modified will be deemed a new vessel or required to meet applicable standards for new vessels as a result of the work.

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46 U.S.C. §2101(14a) defines "major conversion" to mean "a conversion of a vessel that –"

- (A) substantially changes the dimensions or carrying capacity of the vessel;
- (B) changes the type of the vessel;
- (C) substantially prolongs the life of the vessel; or
- (D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

Paragraph (D) makes clear that the types of changes that will be viewed as constituting a "major conversion" are those that "so change[] the vessel that it is essentially a new vessel." This reflects the fact that the definition of "major conversion" in 46 U.S.C. §2101(14a) ties back to the provisions of the International Convention for the Prevention of Pollution from Ships (MARPOL 1973/1978), which specifies certain requirements for "new ships" and defines a "new ship" to include a vessel that has undergone a "major conversion." 46 U.S.C. §2101(14a) essentially echoes the definition of "major conversion" found in Annex I, Chapter I, Regulation 1 of MARPOL 1973/1978 with respect to the circumstances in which changes to an existing vessel will be viewed as so substantial that they will be deemed to have resulted in the construction of a new ship.

The proposed modifications to the Vessels can in no sense be viewed as resulting in a "new vessel." The hull, superstructure, power plant and auxiliary plant of the Vessels will not be significantly altered.

The weight of steel removed during the project will be less than 3% of each Vessel's original steelweight and the weight of the steel added will be less than 3.5% of each Vessel's original steelweight. The net weight of the steel added, net of steel removed, will be just 0.43% of the



original steelweight of the GREAT LAND, 0.42% of the original steelweight of the WESTWARD VENTURE and 0.43% of the original steelweight of the NORTHERN LIGHTS

While the lightship weight of the Vessels will be increased by almost 19% for the GREAT LAND and almost 15% for the WESTWARD VENTURE and the NORTHERN LIGHTS, 98% of this increase is in each case attributable to added ballast.

The only structural changes proposed are removal of the Spar Deck, installation of container support racks on the Main Deck and reinforcement of the Main Deck to distribute, into existing structure, the weight of additional containers and the container support racks.

The Vessels' principal dimensions will be unchanged. While the cargo capacity of the Vessels will increase from 372 F.E.U. to approximately 564 F.E.U. (loaded containers), this change in cargo capacity alone is not sufficient to produce "essentially a new vessel," given the minimal physical alterations to the Vessels.

The type of the Vessels will be unchanged. The proposed work will add Lo/Lo capacity, adding flexibility with respect to the containers that may be handled aboard the Vessels. However, three of the Vessels' four cargo decks will continue in Ro/Ro configuration and the Vessels will continue to function as container vessels.

The changes will not extend the useful lives of the Vessels. The proposed changes are intended, instead, to make the Vessels more economically productive during their remaining useful lives.

In no sense can the proposed modifications be viewed as resulting in Vessels that are "essentially new vessels."

We believe that the Coast Guard has previously considered these issues in reviewing essentially identical modifications made to the EL MORRO and the EL YUNQUE and concluded that such modifications do not constitute a "major conversion." A similar conclusion is warranted here.

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Based on the foregoing, we respectfully request that the Coast Guard issue a ruling confirming that the proposed modification of the Vessels will not constitute a "major modification" or "major conversion" within the meaning of 46 U.S.C. §2101(14a); that the Vessels will not be regulated as "new vessels" after completion of the proposed projects; and that, after completion of the proposed projects, the Vessels and their operator will continue to be subject to the standards and requirements currently applicable to the Vessels.

Lt. [REDACTED]  
February 1, 2002  
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Please do not hesitate to contact me if you need additional information or clarification on the matters addressed in this letter.

Very truly yours,

GARVEY, SCHUBERT & BARER

By [REDACTED]

Stephen B. Johnson

Cc: Dan Cole  
John Boylston  
Alan P. Sherbrooke  
Pegeen Mulhern

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